

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are responsive to the points raised by the Office Action dated February 8, 2007 and the Advisory Action dated May 16, 2007. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claims 9-12 have been cancelled, so that claims 1-8 are currently pending. Independent claims 1, 2, 7, and 8 are amended to include the limitations of claims 9-12, respectively. No new matter has been added, and the basis for the amended claim language may be found within the original specification, claims, and drawings. Claims 1, 2, 7, and 8 are supported at, for example, page 8, lines 17-25; page 10, lines 18-25; and page 15, lines 21-28 of the specification.

The Office Action

Claims 1-2 and 7-8 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,287,955 to Wang et al. (hereinafter, "Wang").

Claims 3-6 were rejected under 35 U.S.C. § 103 as unpatentable over Wang in view of U.S. Patent No. 5,792,680 to Sung et al. (hereinafter, "Sung").

Each of these rejections is separately and respectfully traversed.

Anticipation requires that the cited reference disclose each and every element of the claim. The anticipation rejection of amended independent claims 1-2 and 7-8 cannot be maintained because the cited reference, Wang, does not teach each and every element of amended claims 1-2 and 7-8.

Amended independent claims 1, 2, 7, and 8 recite exposing the resist with a photomask having a light-shielding portion or a light-transmitting portion substantially in the same form as the opening and developing the resist *to remove the resist other than the resist in the opening*. Wang does not disclose a method in which the resist is exposed with a photomask having a light-shielding portion or a light-transmitting portion that is substantially

in the same form as the opening and developed to remove the resist other than the resist in the opening, as claimed. In Wang, the photoresist is patterned through a trench mask, removing a portion of the photoresist from the top of the metal level inorganic dielectric layer, leaving other portions of the photoresist on the top of the metal level inorganic dielectric layer, and leaving a portion of the photoresist in the via (col. 14, lines 16-21; Figure 24). Besides the resist that remains in the via, other portions of the photoresist remain on the top of the metal level inorganic dielectric layer (Figure 24). By leaving portions of the resist other than the resist in the opening remaining on the top of the metal level inorganic dielectric layer, Wang does not remove the resist other than the resist in the opening, in direct contravention of amended independent claims 1, 2, 7, and 8. Therefore, the anticipation rejection of amended independent claims 1, 2, 7, and 8 cannot be maintained.

The presently claimed methods are patentably distinct from that of Wang for the reasons set forth above. The fact that Sung may teach a transparent portion of the mask for the positive resist or an opaque portion of the mask for the negative resist that may be smaller in dimension than the pattern formed in the photoresist is of no importance to the patentability of the present claims. Sung does not cure the deficiencies of Wang, and therefore, the combination also fails to render the presently claimed invention obvious.

Since the independent claims are allowable for the reasons set forth above, the dependent claims are also allowable because they depend from patentable independent claims.

Conclusion

The Applicant respectfully submits that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the

prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Stephanie M. Lawley
Stephanie M. Lawley, Reg. No. 55362
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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